

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hans Wilfried Peter KOOPS
Klaus EDINGER

Title: **PROCEDURE FOR ETCHING OF MATERIALS AT THE SURFACE
WITH FOCUSSED ELECTRON BEAM INDUCED CHEMICAL
REACTION AT SAID SURFACE**

Application Serial No. : 10/628,174

Filing Date: July 28, 2003

Assignee: NaWoTec GmbH

Priority claimed: October 16, 2002, European Patent No. 02 023 217.9

Docket: 8183

Examiner: Allan Olsen, Art Unit 1792

Date: May 28, 2008

Confirmation No. 5591

AFTER-FINAL AMENDMENT AND INTERVIEW SUMMARY RECORD

This amendment is in response to the Office Action mailed January 28, 2008.

Claims 1-41 and 43 are now canceled. Claims 42 and 44 were previously withdrawn but applicants respectfully request that they be rejoined upon the determination of allowable subject matter.

Claims 46, 63, 64, 65, 66, 67, and 68 have been amended. Claims 45-68 are in the application.

The Primary Examiner determined that claims 63-68 contain allowable subject

matter. Reconsideration of claims 45-68 is respectfully requested. Claims 63-67 have not been rewritten because Marchman '783 is not a proper reference and because Nasser-Ghodsi does not render any of the claims unpatentable under 35 USC §103. The undersigned wishes to thank the Primary Examiner for the determination of allowable subject matter.

This will document the telephonic interview between the Primary Examiner, the undersigned, Kenneth L. Mitchell, and Karl V. Kurple held on May 28, 2008. The undersigned wishes to thank the Primary Examiner for the courtesy of permitting the interview.

In the interview, the Marchman '783 patent was discussed. Marchman '783 indicates that it was filed on December 17, 2002, but the instant application enjoys a priority date under 35 USC §119 of October 16, 2002 to European Patent No. 02023 217.9. The Primary Examiner checked and found that the priority document was in the English language and, therefore, no translation is needed. Further, the Primary Examiner agreed that Marchman '783 was, therefore, removed as a proper reference under 35 USC §102 (e).

In the interview, Mr. Mitchell, acknowledged that applicants will respond to the comments of the Primary Examiner in the "Response to Arguments" section of the January 28, 2008 office action on pages 5-6 thereof as the Examiner indicated that rejection of all claims except 63-65, 67 and 68 were still subject to a future rejection on

the merits under 35 USC §103 in view of Nasser Ghodsi. Mr. Mitchell indicated in the interview that further remarks attempting to demonstrate patentability would be made in the instant amendment. Mr. Mitchell further indicated in the Interview that a notice of appeal would be filed contemporaneously with the filing of the instant after-final amendment.

It is noted that claim 66 was determined as containing allowable subject matter notwithstanding the Examiner's indication that rejection of all claims except 63-65, 67 and 68 was still possible in view of Nasser-Ghodsi and 35 USC §103.

A petition for a one-month extension of the period to respond to the outstanding Office Action to January 28, 2008 is being filed electronically herewith and is being paid electronically via a credit card.

If there are any additional charges, or any overpayment, in connection with the filing of the amendment, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account 23-3060.

Respectfully submitted,

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/Kenneth L. Mitchell/

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